

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JAMES ROSS,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case Number: 1:07cv136

District Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Black. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on February 20, 2008 a Report and Recommendation (Doc. 14). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 15) and plaintiff filed a reply to the objections (Doc. 16).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, the decision of the Commissioner that plaintiff is not entitled to a period of disability and disability income benefits beginning on April 28, 1999, is found **NOT SUPPORTED BY SUBSTANTIAL EVIDENCE**, and is **REVERSED**. This matter is **REMANDED** to the ALJ for an immediate award of benefits. Since there are no further matters remaining for this Court's review, this case is **TERMINATED**.

IT IS SO ORDERED.

—  
  
s/Susan J. Dlott  
Susan J. Dlott  
United States District Judge